

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# IFA

Applicants: Steven C. Quay, et al.

Art Unit: 1615

Application No.: 10/824,452

Attorney Docket No.: 03-05US

Filed: 4/14/2004

Title: INTRANASAL ADMINISTRATION  
OF TRIPTANS

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to a Notice to File Missing Parts of Application, mailed 06/24/2004, under 37 CFR 1.53(f). Enclosed is a copy of said Notice and the following documents and fees to complete the filing requirements of the above-identified application.

(X) Copy of the original Transmittal Letter and Form dated April 14, 2004. The Total Amount of Payment at the top of the Fee Transmittal is \$1,335.00. There are 73 total claims, minus 20 = 53 claims. 53 X \$9.00 small entity amount = \$477.00. We don't understand how the amount of \$414 was arrived at. Regardless, in the original Fee Transmittal (attached) we paid the additional claim fees, which are requested on the Notice to File Missing Parts. We do not find the 'summary of fees due' correct on the Notice to File Missing Parts.

(X) Executed Declaration and Power of Attorney. The above-identified application is the same application which the inventor executed by signing the enclosed two page declaration.

(X) Missing Parts Surcharge \$65.00

(X) Transmittal Letter, Transmittal Form

(X) Return Receipt Postcard

If there are any questions, please contact me to discuss this response.

I hereby certify that this Correspondence is being deposited with the United States Postal service with sufficient postage for first class mail in an envelope address to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: August 4, 2004

Typed Name: Leslie M. Kodish

Signature: Leslie M. Kodish

Respectfully submitted

By Paul G. Lunn

Paul G. Lunn, Patent Counsel

Reg. No. 32,743

Customer Number: 36,814

Date: August       , 2004

Plunn@nastech.com,

Telephone No.: (425) 908-3643



Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

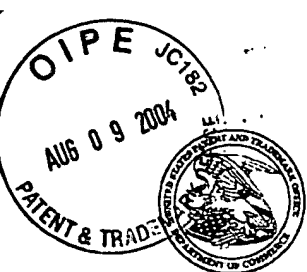
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/824,452
	Filing Date	Apr 14, 2004
	First Named Inventor	Quay, Steven C.
	Art Unit	1615
	Examiner Name	Mail Stop Missing Parts
Total Number of Pages in This Submission	Attorney Docket Number	03-05US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached \$65.00 <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Executed Declaration and Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copies of Transmittal Letter and Form dated April 14, 2004.
Remarks We do not find the 'summary of fees due' correct on the Notice to File Missing Parts. The enclosed copies of the Transmittal Letter and Form, dated 4/14/04, show that the claims fees were paid at time of filing. Please contact me to explain the request for \$414. Thank you.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Nastech Pharmaceutical Company Inc., Paul G. Lunn, Attorney
Signature	
Date	August 1, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Leslie M. Kodish		
Signature		Date	August 4, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/824,452	04/14/2004	Steven C. Quay	03-05US

36814  
PAUL G. LUNN, ESQ. NASTECH PHARMACEUTICAL COMPANY  
INC.  
3450 MONTE VILLA PARKWAY  
BOTHELL, WA 98021-8906

CONFIRMATION NO. 6599

## FORMALITIES LETTER



\*OC000000013049526\*

Date Mailed: 06/24/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$414** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$479** for a Small Entity

- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$414**
  - **\$414** for **53** total claims over 20.

08/10/2004 MBIZUNES 00000082 502769 10824452

01 FC:2051 65.00 DA  
02 FC:2201 473.00 DA  
03 FC:2202 477.00 DA

08/11/2004 MBIZUNES 00000051 502769 10824452

01 FC:2202 414.00 DA

Adjustment date: 08/11/2004 MBIZUNES  
08/10/2004 MBIZUNES 00000082 502769 10824452  
02 FC:2201 473.00 CR  
03 FC:2202 477.00 CR

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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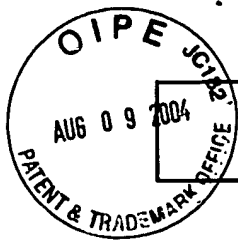
*A copy of this notice MUST be returned with the reply.*

M. Stephane

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.  
03-05US

## TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Steven C. Quay, entitled INTRANASAL ADMINISTRATION OF TRIPTANS, for an:

(X) Original Patent Application.

(X) A statement claiming priority under 35 USC § 119 (e) has been added to the specification.

(X) Assignee for this application will be Natestch Pharmaceutical Company Inc., and applicants request that this information be listed on the published application.

(X) Please associate this application with our **Customer Number 36,814**.

(X) Applicant claims small entity status.

Enclosed are:

(X) Specification; 45 Total Pages. (X) Drawing(s); 4 Total Sheets.

(X) Oath or Declaration:

(X) A Newly Executed Combined Declaration and Power of Attorney:

(X) Unsigned, 2 pages

(X) Return Receipt Postcard.

(X) A Duplicate Copy of this Form for Processing Fee Against Deposit Account.

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	73	53	\$9.00	\$ 477.00
Independent Claims	14	11	\$43.00	\$ 473.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				\$0.00
Basic Filing Fee				\$ 385.00
Total Filing Fee				\$1,335.00

Charge \$ 1,335.00 to Deposit Account 502769 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any fees required or credit any overpayment to this Deposit Account.

Respectfully submitted,

By: Paul G. Lunn  
Paul G. Lunn, Attorney of Record, Reg. No. 32,743

Date:

Correspondence Address:

Paul G. Lunn, Esq.  
Natestch Pharmaceutical Company Inc.  
3450 Monte Villa Parkway  
Bothell, WA 98021-8906  
Phone: (425) 908-3643  
Fax: 425-908-3655  
Email: [plunn@natestch.com](mailto:plunn@natestch.com)  
Customer Number: 36,814

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

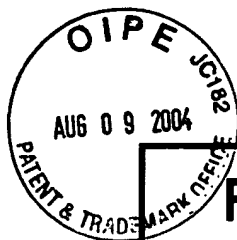
By: Leslie M. Kodish

Typed Name: Leslie M. Kodish, Paralegal

Express Mail Label No.: EO903330589US

Date of Deposit: April 14, 2004

Copy of 4/14/04 Transmittal



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$65.00)

**Complete if Known**

Application Number	10/824,452
Filing Date	4/14/2004
First Named Inventor	Quay, et al.
Examiner Name	Mail Stop Missing Parts
Art Unit	1615
Attorney Docket No.	03-05US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account

Deposit Account Number

502679

Deposit Account Name

Nastech Pharmaceutical Company Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below	Fee Paid
Independent	Claims	-20**=	X		
		-3**=	X		

Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	2012	2,520	For filing a request for ex parte reexamination	
1804	920*	2004	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2005	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	2807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	2806	180	Submission of Information Disclosure Stmt	
8021	40	2801	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	2802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$65.00)

**SUBMITTED BY**

Name (Print/Type)

Paul G. Lynn

Registration No.  
(Attorney/Agent)

32,743

**Complete (if applicable)**

Telephone

(425) 908-3643

Signature

Date

August 4, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.